

1 || PATRICIA A. PHAIR, Esq.
2 BAR NO. 3870
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4 Attorney for Debtors

E-filed June 24, 2010

5 || UNITED STATES BANKRUPTCY COURT
6 || DISTRICT OF NEVADA

7 || In Re: MICHAEL SZALAPSKI and Bankruptcy No. 10-51694
8 || LESA BUNTING, Chapter 13
9 || Debtors. Hearing Date: August 20, 2010
Hearing Time: 2:00 p.m.
Estimated Time: 5 minutes

10 || _____ /
11 || OBJECTION TO PROOF OF CLAIM

12 || Secured Creditor MorEquity, Inc. has filed a Proof of Claim for the sum of \$3,490.29,
13 || as a secured claim. Said amount is composed of the following:

14 || F/C Attorney fee/cost \$2,280.29
15 || Accrued late fees 434.16
15 || Delinquent real estate taxes 775.84

16 || Debtors maintain that attorney fees and costs, for whatever reasons they have been
17 || incurred, presumably F/C stands for "foreclosure", are not secured by real estate and should
18 || be considered unsecured debt, and such costs would be discharged in a Chapter 7
19 || bankruptcy.

20 || Debtors agree that late fees are most likely secured debt due to MorEquity pursuant
21 || to the Note secured by a Deed of Trust on Debtor's residence.

22 || Pursuant to 11 USC §507(a)(8), the property taxes are not dischargeable, and
23 || pursuant to 11 USC §523(a)(14A), non-dischargeable taxes that have been paid by another
24 || party are not dischargeable, and should be paid a secured debt.

25 || WHEREFORE. Debtors pray as follows:

26 || 1. That Secured Creditor's request for attorney's fees and costs be deemed
27 || unsecured debt, in the amount of \$2,280.29;

28 || / / /

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2. That the remaining amount of the Proof of Claim, \$1,210.00 for late fees and real property taxes, be deemed secured debt, and be paid through the Debtors' Chapter 13 plan; and
 3. For any and all other relief that the Court deems appropriate.

Dated this 24th day of June, 2010.



/S/ PATRICIA A. PHAIR
Patricia A. Phair

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1 CERTIFICATE OF SERVICE
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3 I certify that a copy of the foregoing was mailed by me, Patricia A. Phair, on June 24,
4 2010, by depositing in the U.S. Mail, first class postage prepaid, to:

5 MorEquity, Inc.
P.O. Box 3788
Evansville, IN 47736

6 Michael Szalapski
Lesa Bunting
7 40 Miranda Court
Sparks, NV 89441

8 William Van Meter, Trustee
9 P.O. Box 6630
RENO, NV 89513

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11 
12 /S/ PATRICIA A. PHAIR
Patricia A. Phair

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